

# **SHELBY COUNTY LOCAL COURT BUSINESS RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 15, 2006

## **Rule**

LR73-CB00 Rule 1.	Protective Orders
LR73-CB00 Rule 2.	Community Transition Violations
LR73-CB00 Rule 3.	Probation Fees
LR73-CB00 Rule 4.	Bond Schedule
LR73-CB00 Rule 5.	Amendment to Bond Schedule

## **LR73-CB00 Rule 1. Protective Orders**

1. The two attached forms<sup>1</sup>, Notice of Termination and Notice of Extension or Modification, shall be designated as the required format when such notices are deemed necessary.
2. In all criminal cases where such protective orders are in force and where the defendant is represented by counsel at the time the protective order is either terminated, extended or modified, it shall be the responsibility of defense counsel to prepare and file the appropriate notice. Where the defendant is unrepresented, the prosecutor shall prepare and file the notice.
3. In all civil cases where such protective orders are in force, it shall be the responsibility of the party who requested the order to prepare and file the appropriate notice.
4. No decree of dissolution will be entered by the Court until the appropriate notice is prepared and submitted.

Any issues arising under this Local Rule shall be resolved by the sitting Judge.

*Adopted effective May 19, 1999. Amended and renumbered as rule 1, September 30, 2005, effective October 11, 2005.*

<sup>1</sup>Not set out here.

## **LR73-CB00 Rule 2. Community Transition Violations**

Pursuant to Indiana Code 11-10-11.5-11.5 regarding the procedure for offenders who have violated the rules of the Community Transition Program, the Judges of Shelby County authorize the detention of an offender who has violated the rules of the Shelby County Transition Program in the Shelby County Criminal Justice Center pending their return to the Department of Correction upon request of the Director of Shelby County Community Corrections.

*Adopted effective June 5, 2003. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

### **LR73-CB00 Rule 3. Probation Fees**

- 1) Any probationer who requests their probation be transferred to a department outside the state of Indiana shall pay a \$75.00 fee to the Shelby County Probation Department through the Clerk of Shelby County.
- 2) Any probationer who lives in Indiana and outside Shelby County for whom a transfer of probation is sought to another probation department in Indiana by the Shelby County Probation Department or the probationer, shall pay a \$25.00 fee to Shelby County Probation through the Clerk of Shelby County.
- 3) Each person who is placed on probation as a result of a felony conviction shall pay a \$100.00 administrative fee. Each person who is placed on probation as a result of a misdemeanor conviction shall pay a \$50.00 administrative fee. Said fees shall be paid to the Shelby County Probation Department through the Clerk of Shelby County and shall be applied first before all other fees.
- 4) The parents of each child adjudicated a delinquent and placed on probation shall be required to pay a \$100.00 administrative fee to Shelby County Probation through the Clerk of Shelby County.
- 5) The above fees are in addition to the probation user fees.

*Adopted effective July 30, 2003. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005.*

### **LR73-CB00 Rule 4. Bond Schedule**

THE FOLLOWING IS THE PRESUMPTIVE BOND SCHEDULE FOR ALL SHELBY COUNTY COURTS:

**NO BOND: THIS BOND SCHEDULE SHALL NOT BE USED FOR NOR APPLICABLE TO THE FOLLOWING CASES: 1) A DEFENDANT WHO HAS BEEN ARRESTED FOR A CRIME WHILE ON PROBATION, PAROLE, BOND, OR RELEASED ON OWN RECOGNIZANCE. 2) ANY PERSON ARRESTED ON A CHARGE OF INVASION OF PRIVACY, DOMESTIC BATTERY, OR STALKING. IN SUCH CASE, THE DEFENDANT SHALL BE DETAINED IN CUSTODY UNTIL THE DEFENDANT'S INITIAL HEARING.**

ALL FELONIES ABOVE CLASS D WILL HAVE BOND SET AT THEIR INITIAL HEARING.

ALL CLASS D FELONIES WILL BE \$7,500.00 BOND – 10% CASH ALLOWED.

OPERATING MOTOR VEHICLE WHILE INTOXICATED, CLASS A MISDEMEANOR, WILL BE \$5,000.00 BOND – 10% CASH ALLOWED.

RESISTING ARREST, FLEEING  
POLICE OFFICER \$2,500.00 – 10% Cash Allowed

ALL OTHER CLASS A MISDEMEANORS \$1,000.00 – 10% Cash Allowed

CLASS B MISDEMEANORS, CONSUMPTION  
OF ALCOHOL, CLASS C MISDEMEANOR;  
AND FURNISHING ALCOHOL TO A  
MINOR, CLASS C MISDEMEANOR \$ 500.00 – 10% Cash Allowed

ALL OTHER CLASS C MISDEMEANORS Release on Own Recognizance O/R

ALL MISDEMEANOR AND CLASS D DRIVING WHILE INTOXICATED WILL BE SCHEDULED INTO SUPERIOR COURT 2 AND SHALL BE SCHEDULED INTO COURT ON THE FOLLOWING THURSDAY AT 8:30 A.M. IF RELEASED ON BOND.

ALL OTHER FELONIES ARE POOL FELONIES AND THE COURT WILL BE DETERMINED BY A POOL DRAWING. ON CLASS D FELONIES, THE OFFENDER, WHEN RELEASED, SHOULD CHECK WITH THE CLERK'S OFFICE IF THE COURT HAS NOT BEEN DETERMINED TO FIND OUT WHICH COURT TO REPORT TO.

THE BOND STATED ON A WARRANT SHALL BE ALLOWED IN ALL WARRANT ARRESTS.

ANYONE CHARGED WITH A FELONY AND ON PROBATION SHALL BE HELD UNTIL THE INITIAL HEARING. THIS SHALL INCLUDE WARRANT ARRESTS.

*Adopted effective January 31, 2002. Amended October 4, 2005, effective October 1, 2005; amended and renumbered as Rule 4, September 30, 2005, effective October 11, 2005*

#### **LR73-CB00 Rule 5. Amendment to Bond Schedule**

ANY PERSON TAKEN INTO CUSTODY WHO IS ON PROBATION, AS VERIFIED BY THE COURTS OR PROBATION DEPARTMENT, SHALL NOT BE RELEASED UNDER THE BOND SCHEDULE. THE JAIL MAY DEPEND UPON A LIST OF CURRENT PROBATIONERS PROVIDED BY THE PROBATION DEPARTMENT. SUCH PERSONS SHALL NOT HAVE THEIR BOND SET EXCEPT BY THE COURT AT THE FIRST AVAILABLE COURT SESSION.

*As effective March 1, 2000. Amended and renumbered as Rule 5, September 30, 2005, effective October 11, 2005.*

# **SHELBY COUNTY LOCAL ADMINISTRATIVE RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 15, 2006

## **Rule**

LR73-AR15 Rule 1. Court Reporter Services

LR73-AR15 Rule 2. Court Reporter Services

LR73-AR00 Rule 3. Local Caseload Plans

## **LR73-AR15 Rule 1. Court Reporter Services<sup>1</sup>**

### **SECTION 1. DEFINITIONS**

1.<sup>2</sup> The definitions contained in Administrative Rule 15(B) are adopted for use in this Rule and control any question of interpretation. For the purposes of this Rule, the Regular Hours worked by the Court Reporting Staff shall be Monday through Friday from 8:00 a.m. until 12:00 noon and from 1:00 p.m. until 4:00 p.m. The Work Week shall be a seven day period beginning on Sunday and ending on Saturday of each week and shall contain thirty-five (35) hours for which salaried compensation shall be paid.

### **SECTION 2. COMPENSATION**

1.<sup>2</sup> The Court Reporter shall work under the control, direction and direct supervision of the Court during all hours of employment and shall be paid an annual salary for regular hours worked during a Work Week. The salaries shall be set by the Court and approved by the County Council. Gap Hours shall be compensated in time off from work in an amount equal to the number of Gap Hours worked. Overtime Hours shall be compensated in an amount equal to one and one-half (1 ½) times the number of Overtime Hours worked.

### **SECTION 3. DUTIES AND RESPONSIBILITIES**

- 1.<sup>2</sup> The duties of a Court Reporter shall include:
- (a) Reporting the evidence presented in Court proceedings;
  - (b) Preservation and storage of reported testimony and any physical evidence presented in Court proceedings;
  - (c) Preparation of Chronological Case Summary entries at the direction of the Court and providing notice thereof as required by the Rules of Trial Procedure;
  - (d) Preparation of written documents to effectuate the rulings, orders and judgments of the Court or to comply with the Rules of the Indiana Supreme Court;

- (e) preparation of transcripts of evidence presented in Court proceedings requested pursuant to the Rules of Trial Procedure; and,
- (f) Such other functions and responsibilities as required by law or the Court for its effective administration.

#### **SECTION 4. MAXIMUM PER PAGE FEE**

1. A Court Reporter shall not charge more than the following rates per page:
  - a. 3.75 for a county indigent transcript of evidence. The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts of evidence
  - b. \$3.75 for a state indigent transcript of evidence;
  - c. \$3.75 for a private transcript of evidence; and,
  - d. \$3.25 for deposition transcripts and \$1.00 for copies if Reporter elects to use Court facilities, equipment and/or supplies in the exercise of her private practice.
2. Each Court Reporter shall annually report all compensation received for transcripts to the Indiana Supreme Court Division of State Court Administration.

#### **SECTION 5. PRIVATE PRACTICE**

1. A Court Reporter may elect to engage in the private practice of recording of and preparation of deposition transcripts. Such activity, regardless of whether the deposition concerns a case pending before the Court, shall be conducted outside of regular working hours. If a Reporter, in the exercise of such private practice, utilizes, with the consent of the Court, Court facilities, equipment and/or supplies, the Reporter shall reimburse the Court for such usage pursuant to a written agreement between the Court and Reporter.
2. Such agreement shall establish the:
  - (a) Reasonable market rate for the use of equipment, facilities and supplies;
  - (b) Method by which records are kept for the use of the same; and,
  - (c) Method by which the Reporter shall reimburse the Court for such usage.

*Adopted May 28, 1998, effective June 1, 2008. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005*

<sup>1</sup> See, also Rule 2

<sup>2</sup> There is no Section 1.2,2.2, or 3.2 in this rule.

## **LR73-AR15 Rule 2. Court Reporter Services<sup>1</sup>**

### **SECTION 4. MAXIMUM PER PAGE FEE**

1. A Court Reporter shall not charge more than the following rates per page:
  - (a) \$5.00 for a county indigent transcript, of evidence for appealed cases. The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts of evidence;
  - (b) \$5.00 for a state indigent transcript of evidence for appealed cases;
  - (c) \$5.00 for civil transcripts for appealed cases;
  - (d) \$4.00 for non-appeal transcripts;
  - (e) \$3.75 for deposition transcripts and \$1.25 for copies if Reporter elects to use Court facilities, equipment and/or supplies in the exercise of her private practice;
  - (f) \$6.50 for expedited transcripts;
  - (g) \$1.50 for copies of transcripts
2. Court Reporter shall be allowed \$5.00 for each transcript disk provided.
3. Court Reporter's Certification fee for transcripts shall be \$10.00.

*Adopted effective October 2003. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

<sup>1</sup>See, also, Rule 1 as to Sections 1 to 3 and 5.

## **LR73-AR00 Rule 3. Local Caseload Plans**

### **Criminal Cases**

*a) All pool felonies as defined in Local Rule 73-CR2.2-1, shall be filed in the respective courts in the following percentages:*

30% in Shelby Circuit Court

60% in Shelby Superior Court No. 1

10% in Shelby Superior Court No. 2.

b) All misdemeanor and non-pool Class D felonies shall be filed in Shelby Superior court No. 2.

#### Civil Cases

- a) Small claims and Infractions shall be filed in Shelby Superior Court No. 2.
- b) Protective orders shall be filed in Shelby Circuit Court unless there is a related case in one of the other courts in which case the Protective Order case would be filed in the other court along with the related case.
- c) Mortgage Foreclosure (MF), Plenary (PL), Civil Collections (CC), and Domestic Relations (DR) cases shall be filed on an alternate basis between Shelby Circuit Court and Shelby Superior Court No. 1.
- d) All other civil actions shall be filed in the court chosen by the initiating party.

#### Juvenile Cases

*All juvenile cases shall be filed in Shelby Superior Court No. 1.*

# **SHELBY COUNTY LOCAL TRIAL RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 15, 2006

## **Rule**

LR73-TR45 Rule 1. Pool Felony

LR73-TR76 Rule 2. Selection of Special Judge

## **LR73-TR45 Rule 1. Pool Felony<sup>1</sup>**

(b) All felonies, except class D felony Driving While Intoxicated cases (hereafter “pool” felonies), shall be assigned on a random basis among the three courts by the Shelby County Clerk with Shelby Superior No. 1 receiving sixty percent (60%), Shelby Circuit Court thirty percent (30%) and Shelby Superior No. 2 receiving ten percent (10%) of said cases;

- (1) All co-defendants in “pool” felony cases shall be assigned to the same court, based upon a single random draw by the Shelby County Clerk.
  - i. The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the cases involve co-defendant;
  - ii. Each case will be assigned an individual cause number;
  - iii. For purposes of this Rule, the cases involve co-defendants if:
    1. the cases arise from a common scheme or plan;
    2. the cases are closely connected in respect to time, place, occasion or events;
    3. each of the defendants is charged with substantially the same or overlapping offenses;
    4. one or more of the defendants is alleged to have aided, induced or conspired with another defendant to commit an offense charged; or
    5. the defendants could be joined in the same indictment or information under I.C. 35-34-1-9.
- (2) Except in felony cases involving co-defendants under (b) (1) above, any new “pool” felony case filed against a defendant who has an open “pool” felony case already pending in any Court, shall be assigned to the Court where the current case is pending.
  - i.<sup>2</sup> The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the defendant has a pending pool felony case.

*Joint Local Rule No. 1, amended effective October 1, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005.*

<sup>1</sup>See, also, Criminal Rule 1 as to Subds. (a) and (c) to (g).

<sup>2</sup>There is no Subd. (b) (2)ii. in this rule.



## **LR73-TR76 Rule 2. Selection of Special Judge**

1. This rule shall be subject to any previous standing orders for the appointment of judges which may be effect or which may become effective subsequent to the entry of this rule, which standing orders may be entered by the Supreme Court of Indiana. Standing orders shall pre-empt this rule and shall take precedence over it.
2. This rule has a seven part addendum, one part for each of the counties contiguous to Marion County, which addendums have already been filed with the Indiana Supreme Court and are incorporated herein by reference.
3. Pursuant to T.R. 79, parties to a civil action may agree (with concurrence with the judge selected) to any particular special judge.
4. In the absence of an agreement as to a particular special judge, the parties, alternatively, may agree to have the regular sitting judge appoint a special judge from a list of local judges, magistrates or senior judges.
5. In the absence of an agreement as to a particular special judge or an agreement to have the regular sitting judge appoint a special judge, the regular sitting judge shall name a panel consisting, whenever possible, of other judges or magistrates with the county where the civil action is situated. If the county in question does not have a sufficient number of regular sitting judges or magistrate, then such county shall name a panel including the available local judges or magistrates and judge or magistrate from a county immediately adjoining that county also contiguous to Marion County, but excluding Marion County.
6. Should none of the above methods produce a special judge, the regular sitting judge shall select (on a rotating basis) one of the judge or magistrates from a contiguous county to the county where the civil action is situated, which counties are also contiguous to Marion County, but excluding Marion County, all pursuant as to the specifics of each county to the addendums attached hereto and incorporated herein by reference.
7. In the event that no judicial officer with Administrative District 8 is eligible to serve as special judge, or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

### **SHELBY COUNTY ADDENDUM**

The available panel of judges from Shelby County shall consist of the following:

1. The Honorable Charles D. O'Connor, Judge of the Circuit Court of Shelby County.
2. The Honorable Jack A. Tandy, Judge of Superior Court I of Shelby County.
3. The Honorable Russell J. Sanders, Judge of Superior Court II of Shelby County.

Also included on the list contemplated in Part 6 of the rule hereinabove for Shelby County, Indiana, are the judges and magistrates of Johnson and Hancock Counties as follows:

1. The Honorable I. Mark Loyd, Judge of the Johnson Circuit Court.
2. The Honorable Kevin Barton, Judge of the Johnson Superior Court I
3. The Honorable Cynthia S. Emkes, Judge of the Johnson Superior Court II.
4. The Honorable Kim VanValer Shilts, Judge of the Johnson Superior Court III.
5. The Honorable Richard Tandy, Magistrate for Johnson County.
6. The Honorable Raymond S. Robak, Judge of Hancock County Circuit Court.
7. The Honorable Richard T. Payne, Judge of Hancock County Superior Court I.
8. The Honorable Richard D. Culver, Judge of Hancock County Superior Court II.

*Adopted as Coordinated Local Rule, 1995. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

# **SHELBY COUNTY LOCAL FAMILY LAW RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 16, 2006

## **Rule**

LR73-FL00 Rule 1. Dissolution Education Workshop

LR73-FL00 Rule 2. ADA in Domestic Relations

LR73-FL00 Rule 3. Guardian Ad Litem Fees

## **LR73-FL00 Rule 1. Dissolution Education Workshop**

Pursuant to I.C. 31-1-11.5-19, Shelby Circuit Court, Shelby Superior Court I and Shelby Superior Court II find that the best interests of the minor child or children of the parties shall be served by encouraging mediation and cooperation between divorcing parents prior to and after the dissolution of their marriage.

The Courts further find that the Mandatory Divorce Workshop will:

1. Aid parents in post-separation parenting;
2. Encourage agreements between parties concerning child related matters; and,
3. Aid Courts in maximizing the use of Court time.

THEREFORE, Shelby Circuit Court, Shelby Superior Court I and Shelby Superior Court II now Order both parties in any Dissolution of Marriage cause of action in which there are minor children to attend the workshop entitled "Children Cope With Divorce". Attendance shall be mandatory for all parties in any Dissolution of Marriage filed on or after April 1, 1994, if there are unemancipated children under eighteen (18) years of age.

Each party must complete the four-hour course prior to the Final Hearing. The parties shall be responsible for paying the cost of the program, currently Thirty-five Dollars (\$35.00) per person; waiver of the fee for indigency may be allowed.

The parties in this cause of action are ordered to contact:

The Visiting Nurse Service  
4701 N. Keystone Avenue  
Indianapolis, IN 46205  
(317) 722-8201  
1-800-248-6540

within fifteen (15) days of their notice of this Order to make an appointment to attend the workshop without further notice. Failure to complete the workshop may result in a party having to show cause why he/she should not be held in contempt of Court.

The Sheriff of Shelby County is ordered to make due service of the Notice of Order on the Respondent when the Petition for Dissolution is served and make due return thereon.

*Adopted and effective April 9, 1996. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005.*

## **LR73-FL00 Rule 2. ADR in Domestic Relations**

**1. PROGRAM OVERVIEW.** The purpose of the ADR Plan is to provide alternative dispute resolution opportunities to litigants involved in dissolution of marriage, legal separation and paternity cases. The goal is to offer litigants the opportunity to resolve conflict amicably, arrive at acceptable resolutions, have ownership of outcomes, and provide a basis upon which to resolve later issues all with the overriding goal of furthering the best interests of children.

A primary aspect of the program is to provide alternative dispute services to litigants of modest means.

The forms of alternative dispute to be used are mediation, arbitration and family counseling in high conflict cases. Mediation will be the favored process. The parties may agree to submit to non-binding arbitration. Courts may require the parties submit to non-binding arbitration. Court may require the parties to participate in counseling in high conflict matters. If mediation or arbitration are used, the Indiana Rules for Alternative Dispute Resolution apply.

The ADR Plan is to be effective with cases filed after September 1, 2005. The Clerk of Shelby County shall commence collecting the additional \$20.00 alternative dispute resolution fee, pursuant to Indiana Code 33-4-13-1, on September 1, 2005.

**2. ELIGIBILITY CRITERIA.** All domestic relations litigants with custody and/or visitation disputes reasonably expected to take one hour or more of court time to litigate their custody and/or visitation dispute shall be required to participate in the ADR Plan.

A party currently charged with or convicted of a crime under Indiana Code 35-42- et seq. Or a substantially similar crime in another jurisdiction may not participate in the ADR Plan.

**3. FINANCIAL QUALIFICATIONS.** Litigants whose income is less than 125% of the federal poverty guidelines and have less than \$10,000.00 of assets will participate without cost. Litigants whose income is between 125% and 175% of the federal poverty guidelines and have less than \$20,000.00 of assets will pay a co-payment of \$50.00 per hour for the services of the mediator. Litigants whose income is less than 125% and have \$20,000.00 or more in assets will co-pay \$50.00 per hour for the services of the mediator. Litigants whose income is greater than 175% of the federal poverty guidelines or who own more than \$20,000.00 in assets will pay the mediator the normal hourly rate of the mediator.

**4. REFERRAL AND PLAN ADMINISTRATION.** Evette Spurling, administrator of the Shelby County Public Defender Program and Pro Bono Program, will be the Plan

Administrator. She will be responsible for the initial intake of litigants. If a litigant is determined to qualify for no-cost or reduced rate mediation, they will be referred to a volunteer mediator through the Shelby County Pro Bono Program. If the litigant is determined not to qualify for no-cost or reduced rate mediation, the litigant may choose the alternative dispute resolution facilitator of their choice. If one party qualifies but one does not, they shall be referred to a volunteer mediator and the non-qualifying party shall pay the mediator the normal hourly charge of the mediator.

Attorneys and Judges shall refer the appropriate cases to the ADR Plan. All registered domestic law mediators, including Senior Judges, are eligible to act as mediators under the plan.

Funds generated by the Plan shall be managed by the Shelby County Auditor.

**5. PLAN EDUCATION.** Information about the Plan, including the additional \$20.00 filing fee, its implementation, purpose and goals will be presented to the Shelby County Bar Association, the Shelby County Clerk, and local mental health counselors. The general public will be advised through newspaper and radio outlets.

**6. PLAN COORDINATION.** The ADR Plan will work closely with the Shelby County Pro Bono Program to facilitate the resolution of domestic relations cases without the necessity of extended court hearings. Participants in the Pro Bono Program in domestic relations cases will be required to participate in the ADR Plan to attempt an amicable resolution of the case. The ADR Plan will provide a funding source for resolution of high conflict disputes for litigants of modest means.

**7. PROJECTED BUDGET.** The Shelby Circuit Court estimates \$3,000.00 will be collected annually. These figures are based on the total number of domestic cases filed in 2004 in Shelby Circuit Court (160) and Shelby Superior Court No. 1 (158). There were approximately 5 private paternity actions filed in 2004. There were approximately 20 domestic relation cases filed in which the filing fee was waived or reduced.

#### **PROJECTED ANNUAL BUDGET**

Income	\$6,200.00
Expenses	6,200.00
Compensation for intake and referral Coordinator	
\$13.28/hour x 5 hours/week x 52 weeks =	3,452.80
Publicity regarding program	250.00
High conflict counseling	1,497.20
Mediation*	1,000.00
	\$6,200.00

\*Mediation costs are low because most mediators will serve on pro bono basis as part of their voluntary participation in Shelby County Pro Bono Plan.

**9. PROGRAM EVALUATION AND REPORTING.** An annual Report containing data related to the Plan shall be submitted to the judicial Conference by December 31 of each year. It shall be the responsibility of the Judge of Shelby Superior No. 1 to prepare and submit the Annual Report. The Annual Report shall be used to evaluate the program in conjunction with ongoing discussions with the Plan Administrator and representatives from the Pro Bono Program. The Judges and representatives from the Pro Bono Program will also evaluate the Plan on an ongoing basis by reviewing exit surveys which each participant will be asked to complete.

*Adopted as ADA Plan. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

### **LR73-FL00 Rule 3. Guardian Ad Litem Fees**

The Shelby County Courts, recognizing it is appropriate to require parents and custodians of children who are involved in litigation and use the services<sup>1</sup> of the Shelby County Guardian Ad Litem to be financially responsible for those services, hereby establishes a standard fee schedule for the services<sup>1</sup> of the Shelby County Guardian Ad Litem in cases other than Child in Need of Services cases.

- 1) For custody and/or visitation evaluations, each parent/custodian shall pay the sum of \$200.00.
- 2) For cases in which the services of the Guardian Ad Litem is required on an ongoing basis, each parent/custodian shall pay the sum of \$75.00 per month.

The Court in which the case is pending retains the discretion to deviate from the schedule in a particular case based upon the circumstances of the parties.

*Adopted effective November 18, 1997. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005.*

# **SHELBY COUNTY LOCAL CRIMINAL RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 15, 2006

## **Rule**

LR73-CR2.2 Rule 1. Criminal Caseload Assignment

LR73-CR2.2 Rule 2. Service of subpoenas in criminal cases

### **LR73-CR2.2 Rule 1. Criminal caseload Assignment<sup>1</sup>**

- (a) All misdemeanors and class D Felony Driving While Intoxicated cases shall be filed in Shelby Superior No. 2;
- (b) All felonies, except class D Felony Driving While Intoxicated cases, (hereafter “pool felonies”) shall be assigned on a random basis among the three courts by the Shelby County Clerk with Shelby Superior No. 1 receiving sixty percent (60%) of said cases, Shelby Circuit receiving thirty percent (30%) of said cases and Shelby Superior No. 2 receiving ten percent (10%) of said cases;
- (c) The most serious level of charge filed determines if the case is assigned automatically to Shelby Superior No. 2 or if the case is randomly assigned by the Shelby County Clerk;
- (d) When the State of Indiana dismisses a pool felony case and chooses to refile that case, the case shall be assigned to the court from which dismissal was taken;
- (e) All co-defendants in pool felony cases shall be assigned to the same court based upon a single random draw by the Shelby County Clerk;
  - (i) The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the cases involve co-defendants;
  - (ii) Each case will be assigned an individual cause number;
  - (iii) For purposes of this Rule, the cases involve co-defendants if:
    - (1) the cases arise from a common scheme or plan;
    - (2) the cases are closely connected in respect to time, place, occasion or events;
    - (3) each of the defendants is charged with substantially the same or overlapping offenses;
    - (4) one or more of the defendants is alleged to have aided, induced or conspired with another defendant to commit an offense charged; or
    - (5) the defendants could be joined in the same indictment or information under I.C. 35-34-1-9.

(f) Except in felony cases involving co-defendants as defined above, any new pool felony case filed against a defendant who has an open pool felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the defendant has a pending pool felony case.

(g) In the event a change of judge is granted or it becomes necessary to assign a judge other than the judge selected by the method above due to conflict of interest, a judge of a contiguous county will be selected from the following list:

Honorable Richard D. Culver	Hancock Circuit Court
Honorable Richard T. Payne	Hancock Superior Court No. 1
Honorable Jeanne M. Hamilton	Hancock Superior Court No. 2
Honorable Barbara Harcourt	Rush Circuit Court
Honorable David E. Northam	Rush Superior Court
Honorable John A. Westhafer	Decatur Circuit Court
Honorable Michael W. Wilke	Decatur Superior Court
Honorable Stephen R. Heimann	Bartholomew Circuit Court
Honorable Chris D. Monroe	Bartholomew Superior Court No. 1
Honorable Kathleen Tighe Coriden	Bartholomew Superior Court No. 2
Honorable K. Mark Loyd	Johnson Circuit Court
Honorable Kevin Barton	Johnson Superior Court No. 1
Honorable Cynthia S. Emkes	Johnson Superior Court No. 2
Honorable Kim VanValer Shilts	Johnson Superior Court No. 3

These judges have been contacted and have agreed to serve.

By order of adoption of this rule, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8 temporarily transfers the above judges to the Shelby County courts for the purpose of reassignment of felony and misdemeanor cases.

In the event no judge is available for assignment or reassignment the case shall be certified to the Indiana Supreme Court for the appointment of a Special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in a particular case require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

*Adopted as Joint Local Rule No. 1, effective October 11, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005*

<sup>1</sup>See, also, Trial Rule 1.

## **LR73-CR2.2 Rule 2. Service of subpoenas in criminal cases**

(a)<sup>1</sup> The Shelby County Sheriff's Department shall serve subpoenas without cost in criminal cases where a defendant is represented by a public defender.

*Adopted as Joint Local Rule No. 8, effective February 22, 2000. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

<sup>1</sup>There is no Subd. (b) in this rule.



# **SHELBY COUNTY LOCAL SMALL CLAIMS RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 15, 2006

## **Rule**

LR73-SC8 Rule 1. Policies and Procedures for Implementation of Small Claims Rule

8

## **LR73-SC8 Rule 1. Policies and Procedures for Implementation of Small Claims Rule 8**

**The following policies and procedures will be utilized in order to properly  
implement Small Claims Rule 8.**

1. A natural person may appear pro se or by counsel.
2. A sole proprietor may appear by the sole owner or by counsel.
3. A partnership may appear by a general partner or by counsel.
4. A sole proprietor or partnership may appear by a full-time employee if the claim does not exceed \$1,500.00 and proper filings have been made. (See item 7 below.
5. A corporation or limited liability corporation, (LLC), must appear by counsel if the claim exceeds \$1,500.00.
6. A corporation or LLC may appear by a full-time employee if the claim does not exceed \$1,500.00 and proper filings have been made. (See item 7 below).
7. The filings required for an employee to appear in a small claims proceedings are as follows:
  - a. A corporation or LLC must have filed a resolution designating the employee and expressing compliance with Small Claims Rule 8.
  - b. A sole proprietor or partnership must have filed a certificate by the owner or each of the partners designating the employee and expressing compliance with Small Claims Rule 8.
  - c. Each designated employee must have filed an affidavit affirming that he or she is a full-time employee and that they have not been suspended or disbarred from the practice of law in Indiana.
8. The filings noted above shall be filed in Shelby County Superior Court II prior to any action being undertaken by the party. If an action is already filed, it will not proceed, and may be dismissed or defaulted if proper filings are not submitted.
  - a. Miscellaneous entries shall be made for each filing in the Clerk's Office. Superior Court II staff shall provide minutes to the Clerk for those entries.
  - b. A master list of filings shall be maintained by Superior Court II and provided to the Clerk.
  - c. Basic forms will be available from Superior Court II and the Clerk's Office. Copies are attached as part of this rule.

9. Filings shall expire after five years and must be re-filed after that period.

**NOTICE TO ATTORNEYS AND SMALL CLAIMS LITIGANTS  
PURSUANT TO RULE 2(b) (4) (a) OF THE INDIANA RULES FOR SMALL  
CLAIMS IF A CLAIM INVOLVES A WRITTEN CONTRACT, WHICH WOULD  
INCLUDE A WRITTEN LEASE, IT MUST BE ATTACHED TO THE NOTICE.  
ONE COPY FOR ALL DEFENDANTS AND ONE COPY FOR THE COURT  
MUST BE PROVIDED TO THE CLERK. THE CLERK HAS BEEN  
INSTRUCTED NOT TO ACDEPT FILING OF A SMALL CLAIM THAT DOES  
NOT COMPLY WITH THIS RULE.**

*Adopted effective October 8, 2004. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005.*

**IN THE CIRCUIT AND SUPERIOR COURTS  
FOR SHELBY COUNTY  
STATE OF INDIANA**

**IN THE MATTER OF THE  
ADOPTION OF A LOCAL RULE  
REGARDING A SCHEDULE OF  
FEES FOR COURT ALCOHOL  
AND DRUG PROGRAM SERVICES**

**AMENDED  
ORDER ADOPTING  
LOCAL ADMINISTRATIVE RULE 73-CB00-6**

Pursuant to Trial Rule 81 (D) of the Indiana Rules of Trial Procedure, the Judges of the Circuit and Superior Courts for Shelby County find good cause exists to deviate from the schedule established by the Division of State Court Administration for publishing local rules, and the Courts' current standing order establishing a schedule of fees for Court alcohol and drug program services should be adopted as a local administrative rule of procedure. The following rule is hereby adopted:

**RULE 6**

**[LR73-CB00-6]**

**SCHEDULE OF FEES FOR COURT ALCOHOL  
AND DRUG PROGRAM SERVICES**

The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services.

The foregoing Rule 6 [LR73-CB00-6] shall become effective April 1, 2007 or as soon thereafter it is determined that compliance with the provisions of Administrative Rule 81(B)(1) and 81(D) has been accomplished.

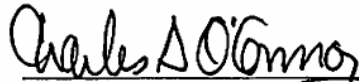
LR73-CB00-6

Comes now the Shelby County Courts, who collectively find and order as follows:

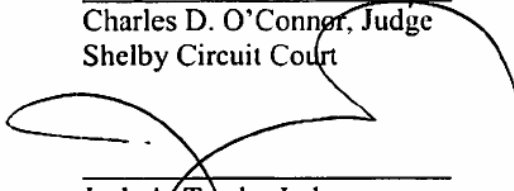
**Shelby County  
Alcohol and Drug Abuse Program**

<b>I.</b>	<b>Assessment w/Recommendation and PRIME .....</b>	<b>\$300.00</b>
<b>II.</b>	<b>Pre-Trial Diversion/Transfer out (No PRIME).....</b>	<b>\$100.00</b>
<b>III.</b>	<b>Transfer In without Assessment and PRIME.....</b>	<b>\$300.00</b>
<b>IV.</b>	<b>Transfer In with Assessment (No PRIME).....</b>	<b>\$100.00</b>
<b>V.</b>	<b>Assessment Only.....</b>	<b>\$100.00</b>
<b>VI.</b>	<b>Prime Only.....</b>	<b>\$100.00</b>
<b>VII.</b>	<b>Case Management Only.....</b>	<b>\$100.00</b>
<b>VIII.</b>	<b>Urine Screens.....</b>	<b>\$25.00</b>

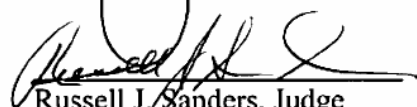
SO ORDERED THIS 9<sup>th</sup> DAY OF MARCH, 2007



Charles D. O'Connor, Judge  
Shelby Circuit Court



Jack A. Tandy, Judge  
Shelby Superior Court No. 1



Russell J. Sanders, Judge  
Shelby Superior Court No. 2